

STATE OF ALABAMA,

PLAINTIFF,

VS.

Robert Clements

DEFENDANT.

IN THE CIRCUIT COURT OF

LEE COUNTY, ALABAMA

CASE NO. _____

AFFIDAVIT BY DEFENDANT OF PRIOR FELONY CONVICTIONS

Before me, the undersigned attesting officer, personally appeared Robert Clements
 _____, who being duly sworn, says on oath the following:

A. I have been convicted of the following felony offenses and no others:

Bad ChecksBurglary 3rd Theft of property

B. I understand that if I have been previously convicted of any felony offense that I must be sentenced now
 under the Alabama Habitual Offender Act;

C. I understand, further, that should I fail to reveal all of my prior felony convictions on this Affidavit, that
 is Plea Recommendation by the District Attorney shall be null and void and that I may be subject to prosecution for
 perjury.

Robert Clements

DEFENDANT

SWORN TO and subscribed before me this the 5 day of August, 2003.

Larry A. Lovelace

NOTARY PUBLIC

My Commission Expires 11/04/06

Exhibit B *12*

State of Alabama Unified Judicial System Form CR-52 (front) Rev. 7/02	EXPLANATION OF RIGHTS AND PLEA OF GUILTY (Habitual Felony Offender — Circuit or District Court)	Case Number <input type="checkbox"/> Count <u>CC 03-323</u> <small>(count #, if applicable)</small>
IN THE <u>Circuit</u> COURT OF <u>Lee</u> , ALABAMA <small>(Circuit or District) (Name of County)</small>		
STATE OF ALABAMA v. <u>Robert Wayne Clements</u> <div style="text-align: right;">Defendant</div>		

TO THE ABOVE-NAMED DEFENDANT: After the court was informed that you wish to enter a plea of guilty in this case, this is to inform you of your rights as a criminal defendant.

PENALTIES APPLICABLE TO YOUR CASE

You are charged with the crime of Conspiracy Robbery I, which is a Class B Felony. The court has been informed that you desire to enter a plea of guilty to this offense or ☐ to the crime of _____, which is a Class _____ Felony. The sentencing range for the above crime(s) is set out below:

FELONY	
Class A	Not less than ten (10) years and not more than ninety-nine (99) years imprisonment in the state penitentiary, including hard labor and may include a fine not to exceed \$20,000.
<u>Class B</u>	Not less than two (2) years and not more than twenty (20) years imprisonment in the state penitentiary, including hard labor and may include a fine not to exceed \$10,000. For imprisonment not more than 3 years, confinement may be in county jail and sentence may include hard labor for county.
Class C	Not less than one (1) year and one (1) day and not more than ten (10) years imprisonment in the state penitentiary, including hard labor and may include a fine not to exceed \$5,000. For imprisonment not more than 3 years, confinement may be in county jail and sentence may include hard labor for county.

You will also be ordered to pay the costs of court, which may include the fees of any appointed attorney, and restitution if there is any. You will also be ordered to pay an additional monetary penalty for the use and benefit of the Alabama Crime Victims Compensation Commission of not less than \$50 and not more than \$10,000 for each felony for which you are convicted.

As a reported habitual offender, you are further advised that the Alabama Habitual Offender Act Section 13A-5-9 Ala. Code 1975, as amended by Act 2000-759, provides the following enhanced punishment for anyone who has been previously convicted of one or more felonies and who then is convicted of a subsequent felony:

Prior Felonies → This offense	No Prior Felonies	One Prior Felony	Two Prior Felonies	Three + Prior Felonies
Class C Felony	1 Yr. & 1 Day — 10 Years In State Penitentiary Fine Up To \$5,000	2 — 20 Years In State Penitentiary Fine Up To \$10,000	10 — 99 Years or Life In State Penitentiary Fine Up To \$20,000	15 — 99 Years or Life In State Penitentiary Fine Up To \$20,000
Class B Felony	2 — 20 Years In State Penitentiary Fine Up To \$10,000	10 — 99 Years or Life In State Penitentiary Fine Up To \$20,000	<u>10 — 99 Years or Life In State Penitentiary Fine Up To \$20,000</u>	Mandatory Life Imprisonment or any term of not less than 20 years Fine Up To \$20,000
Class A Felony (No prior convictions for a Class A Felony)	10 — 99 Years or Life In State Penitentiary Fine Up To \$20,000	15 — 99 Years or Life In State Penitentiary Fine Up To \$20,000	Life Imprisonment or Any Term Of Years Not Less Than 99 Fine Up To \$20,000	Mandatory Imprisonment For Life or Life Imprisonment Without Possibility of Parole Fine Up To \$20,000
Class A Felony (One or more prior convictions for any Class A Felony)	10 — 99 Years or Life In State Penitentiary Fine Up To \$20,000	15 — 99 Years or Life In State Penitentiary Fine Up To \$20,000	Life Imprisonment or Any Term Of Years Not Less Than 99 Fine Up To \$20,000	Mandatory Imprisonment For Life Without Possibility of Parole Fine Up To \$20,000

This crime is also subject to the following enhancements or additional penalties as provided by law: (Provisions Checked Apply To Your Case)

☒ Enhanced Punishment For Use Of Firearm Or Deadly Weapon: Section 13A-5-6, Ala. Code 1975, provides for sentence enhancement where a "firearm or deadly weapon was used or attempted to be used in the commission of a felony." This section provides for the following punishment in such event: For the commission of a Class A Felony, a term of imprisonment of not less than 20 years; for the commission of a Class B or Class C Felony, a term of imprisonment of not less than 10 years;

☐ Enhanced Punishment for Drug Sale Near School: Section 13A-12-250, Ala. Code 1975, provides that any person who is convicted of unlawfully selling any controlled substance within a three (3) mile radius of a public or private school, college, university or other educational institution, must be punished by an additional penalty of five years imprisonment in a state correctional facility for each violation. This period of imprisonment is mandatory and the punishment imposed shall not be suspended or probation granted.

☐ Enhanced Punishment for Drug Sale Near Housing Project: Section 13A-12-270, Ala. Code 1975, provides that any person who is convicted of unlawfully selling any controlled substance within a three (3) mile radius of a public housing project owned by a housing authority must be punished by an additional penalty of five years' imprisonment in a state correctional facility for each violation. This period of imprisonment is mandatory and the punishment imposed shall not be suspended or probation granted.

☐ Enhanced Punishment For Sales Of Controlled Substance To Anyone Under 18: Section 13A-12-215, Ala. Code 1975, provides that anyone convicted of selling, furnishing, or giving away a controlled substance to one who has not yet attained the age of 18 years, shall be guilty of a Class A Felony and the punishment imposed shall not be suspended or probation granted.

☐ Drug Demand Reduction Assessment Act and Loss of Driving Privileges: Section 13A-12-281, Ala. Code 1975, provides that, if you are convicted of a violation of §13A-12-202 (criminal solicitation to commit controlled substance crime), 13A-12-203 (attempt to commit a controlled substance crime), 13A-12-204 (criminal conspiracy), 13A-12-211 (unlawful distribution of a controlled substance), 13A-12-212 (unlawful possession or receipt of a controlled substance), 13A-12-213 (unlawful possession of marijuana, 1st), 13A-12-215 (sale, furnishing, etc., of controlled substance by person over age

☐ **Alcohol/Drug Related Offenses:** If you are convicted of an alcohol or drug-related offense, you will be required to undergo an evaluation for substance abuse. Based upon the results of any such evaluation, you will be required to complete the recommended course of education and/or treatment and to pay for the evaluation and any cost of program to which you are referred. Failure to submit to an evaluation or failure to complete any program to which you may be referred will be considered a violation of any probation or parole you may be granted. You may also be required to attend monitoring sessions, including random drug and alcohol testing or blood, urine and/or breath, tests and to pay a fee for this service. You may request a waiver of part of all of the fees assessed if you are indigent or for any portion of time you are financially unable to pay. Community service may be ordered by the court in lieu of the monetary payment of fees.

☐ **Drug Possession:** If you are convicted in any court of this state of a crime as defined in Sections 13A-12-211 to 13A-12-250, inclusive, Ala. Code 1975, an additional fee of \$100.00 will be assessed pursuant to Section 50-10-1, Ala. Code 1975.

You have the right to enter, and continue to assert, a plea of "Not Guilty" or "Not Guilty by Reason of Mental Disease or Defect," and have a public trial before a duly selected jury. The jury would decide your guilt or innocence based upon the evidence presented before them. If you elect to proceed and have the right to be present, you would have the right to have your attorney present to assist you, you would have the right to confront witnesses, and you would have the right to have your attorney present to assist you, you would have the right to have your attorney present to assist you, you would have the right to have your attorney present to assist you.

If you elect to proceed to trial, you come to court presumed to be innocent. This presumption of innocence will follow you throughout the trial until the State produces sufficient evidence to convince the jury (or the court if the trial is non-jury) of your guilt beyond a reasonable doubt. You have no burden of proof in this case. If the State fails to meet its burden, you would be found not guilty. If you are entering a guilty plea to a charge for which you have not yet been indicted, you are waiving indictment by a grand jury and you will be pleading guilty to a charge preferred against you by a District Attorney's Information filed with the court.

BY ENTERING A GUILTY PLEA, YOU ARE WAIVING THE RIGHTS OUTLINED ABOVE, EXCEPT YOUR RIGHTS TO A TRIAL AND TO BE CONVICTED AND SENTENCED BY A JURY.

IF YOU HAVE A RIGHT TO APPEAL UNDER ONE OF THE CONDITIONS ABOVE AND YOU ARE DETERMINED BY THE COURT TO BE INDIGENT, COUNSEL WILL BE APPOINTED TO REPRESENT YOU ON APPEAL. IF YOU SO DESIRE AND IF THE APPEAL IS FROM A CIRCUIT COURT JUDGMENT OR SENTENCE, A COPY OF THE RECORD AND THE REPORTER'S TRANSCRIPT WILL BE PROVIDED AT NO COST TO YOU. IF YOU HAVE ANY QUESTIONS ABOUT YOUR RIGHTS OR THE CONSEQUENCES OF PLEADING GUILTY, PLEASE LET THE COURT KNOW NOW AND FURTHER EXPLANATION WILL BE MADE.

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Exhibit C

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State of Alabama Unified Judicial System Form CR-9 Rev. 3/95	PLEA OF NOT GUILTY AND WAIVER OF ARRAIGNMENT	Case Number <u>CC 03-223-326</u>
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IN THE Circuit COURT OF Lee, ALABAMA
 (Circuit, District, or Municipal) (Name of County or Municipality)

☒ STATE OF ALABAMA v. Robert W. Clements, Defendant

Comes now, the defendant in the above-styled matter, and to the offense charged enters a plea of

☒ Not Guilty
☐ Not Guilty by Reason of Mental Disease or Defect
☐ Not Guilty and Not Guilty by Reason of Mental Disease or Defect

Defendant acknowledges receipt of the copy of the charge against him/her and further waives the right to have an arraignment at which the defendant is present in person, or at which the defendant is represented by an attorney.

But, the defendant specifically and expressly reserves the right upon the filing hereof to hereafter, but before trial or before such date as may be set by the court, to interpose any defenses, objections, or motions which the defendant had the right as a matter of law or rule to interpose in this cause, prior to the filing hereof.

Defendant's date of birth is 11/19/1968 Defendant's age is 37

The defendant is not eligible for consideration by the court for youthful offender status as provided by law.

4/22/03
 Date
4/22/03
 Date

Robert W. Clements
 Defendant
Lauryn A. Landerdale
 Attorney for Defendant

This is to certify that I am the attorney for the defendant in this matter, and that I have fully explained this form and all matters set forth herein, and pertaining hereto, to the defendant. I further state to the court that I have explained to the defendant his right to be arraigned in person and his right to have me represent him at arraignment. I further certify to the court that my client hereby knowingly, voluntarily, and intelligently waives these rights after a full and complete explanation of each and every one of them to him/her by me. BOTH MYSELF AND THE DEFENDANT UNDERSTAND THAT I AM RESPONSIBLE FOR ASCERTAINING WHAT DATE, IF ANY, HAS BEEN SET BY THE COURT FOR THE MAKING OR FILING OF ANY DEFENSES, OBJECTIONS, OR MOTIONS. I FURTHER UNDERSTAND THAT I AM RESPONSIBLE FOR NOTIFYING MY CLIENT OF THE DATE HIS/HER CASE IS SET FOR TRIAL, AND THAT I HAVE ADVISED AND INFORMED HIM/HER THAT IN THE EVENT HE/SHE FAILS TO APPEAR ON THE DATE HIS/HER CASE IS SET FOR TRIAL, ALL APPROPRIATE LEGAL ACTION WILL BE TAKEN BY THE COURT AGAINST THE DEFENDANT AND HIS/HER BOND. I further certify to the court that I have advised my client that he/she is responsible for obtaining the date his/her case is set for trial in this matter and that in the event he/she fails to appear on the date his/her case is set for trial all appropriate legal action will be taken by the court against the defendant and his/her bond, and I hereby certify that the defendant knows that he/she is personally responsible for obtaining the date his/her case is set for trial and for being present in court on that date.

4/22/03
 Date

Lauryn A. Landerdale
 Attorney for Defendant Signature
Lauryn A. Landerdale
 Printed or Typed Attorney's Name
2304-A Gateway Dr. Opelika AL
 Address

I certify that I served a copy of the foregoing plea and waiver of arraignment on the Prosecutor by mailing/delivering a copy of the same to him/her on:

4/23/03
 Date

This is to certify that my attorney has explained each and every matter and right set forth in this form and I have completely and fully read and do so understand each and every matter set forth in this form. I further state to the court that I do not wish to be personally present at an arraignment in this case and that I do not want to have an attorney represent me at an arraignment and WITH FULL KNOWLEDGE OF EACH OF THESE RIGHTS, I HEREBY EXPRESSLY WAIVE SUCH RIGHTS. I further state to the court that I have been informed of the charge against me and have received a copy of the charge.

4/22/03
 Date

FILED

Filed in office this date APR 23 2003

Robert W. Clements
 Defendant Signature
 By _____
 Clerk

 IN OFFICE
 CORINNE T. HURST
 CIRCUIT CLERK

Exhibit B

STATE OF ALABAMA

vs.

"COURT'S EXHIBIT B"

IN THE CIRCUIT COURT OF
THE 37TH JUDICIAL CIRCUIT

OF ALABAMA

Case(s) No. CC 03-323, 325Robert Clements
DefendantDEFENDANT'S STATEMENT OF SATISFACTION OF
SERVICES RENDERED BY COURT APPOINTED ATTORNEY

TO THE ABOVE NAMED DEFENDANT:

1. Are you satisfied that your attorney, Lauryn A. Handwerker Esq., is a competent,
good attorney and has represented you to your best interest in the settlement of this case (these cases)?Yes ☒ No ☐2. Are you satisfied with the plea bargaining in this case (these cases)? Yes ☒ No ☐3. Did you plead guilty of your own free will? Yes ☒ No ☐4. Has anyone forced you or coerced you in any manner to get you to plead guilty in this case
(these cases)? Yes ☐ No ☒5. Has anyone promised you anything to get you to plead guilty? Yes ☐ No ☒If you answered "yes" to questions 1, 2 & 3 and "no" to questions 4 & 5, sign this form indicating
your attorney has looked to your best interests and your concurrence with the Statement of Satisfaction.DONE this the 11 day of August, 2003.Robert Clements
Defendant

Witness:

[Signature]
Circuit Judge

IN The CIRCUIT COURT For Lee County, ALABAMA

ROBERT CLEMENTS, *
Petitioner, *

-VS-

STATE OF ALABAMA *
Respondent. *

FILED
SEP 14 2004

IN OFFICE
CORINNE T. HURST
CIRCUIT CLERK

* Case Numbers:
* CC# 03-323, 325

Motion For Enlargement of Time

Comes now the Petitioner herein and above named in the above and numbered case with inmate para-legal assistance and hereby moves this Honorable Court to entertain and grant this instant motion for the causes following, to wit;

I.

Jurisdiction

Your Petitioner hereby files this instant Petition pursuant to: Alabama Rules of Criminal Procedure, Rule # 1.3 (b) and hereby invokes said Rule as jurisdiction for this Honorable Court to entertain and grant this instant motion.

II.

ARGUMENTS IN SUPPORT OF GRANTING THIS INSTANT MOTION

(1).

Petitioner has (50) pages of exhibits and evidence that your Petitioner will be using in Petitioner's upcoming response to the "District Attorney's Response" filed 8-12-04, which your Petitioner received on or about 08-16-04.

at this time your Petitioner does not have any copies of his exhibits and evidence to put in Petitioner's Response to the District Attorney's Response.

Your Petitioner will need (2) copies of the exhibits and evidence, one copy to the Court, one copy to the District Attorney which is a total of (100) pages.

Your Petitioner is indigent and the Alabama Dept. of Corrections policy is to charge (\$.50¢) a copy for prisoners to copy anything which equates to [\$50.00] for your Petitioner to pay for the copying of said exhibits and evidence.

Your Petitioner is trying at this time to gain said funds from his family to pay the A.D.C. to make enough copies of his exhibits and evidence so that your Petitioner can adequately respond to the District Attorney and provide a copy to this Court of said response to the District Attorney.

(2).

It will take several days to get the copies made once your Petitioner receives the money to pay for said copies.

(3).

Petitioner has to rely on inmate para-legal to help your Petitioner prepare his response to the District Attorney as your Petitioner is not trained in the law and has ~~low~~ low comprehension and analytical skills and has low reading and communication skills.

(4)

Petitioner and his para-legal live in different dorms and it is hard to get to the law library at the same time as Petitioner's inmate para-legal.

(5).

Your Petitioner has to attend school all day and can only access the prison law library with his inmate para-legal maybe (2) hours a week if your Petitioner is lucky.

(6).

The Prison law library has to trade books with the Prison segregation units and several of the books your Petitioner needs are checked out.

(b)

Petitioner can only receive (12) sheets of paper a week, which, with original to the Clerk, copy to D.A., and copy to your Petitioner equals to being able to do only (4) pages a week.

IIIConclusion & Prayer For Relief

WHEREFORE PREMISES Shown: and pursuant to: A.R. Cr. P., Rule # 1.3 (b) your Petitioner prays for an extension of (21) days in which to prepare his response to the "District Attorney's Response" so that your Petitioner can adequately and properly respond to the "District Attorney's Response" so that this Honorable Court can make an informed, fair, and judicial adjudication of your Petitioner's pending Rule # 32 Petition in this Honorable Court.

Executed this the 10th day of September, 2004

Respectfully Submitted,
~~X Robert Clements~~

Robert Clements,
Petitioner, Pro-Se

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Certificate of Service

I hereby certify that I have served upon the Respondents a copy of the foregoing by placing same in the United States Mail Box located at Easterning Correctional Facility, postage prepaid and addressed correctly.
Executed this the 10th day of September, 2004

Robert Clements

Robert Clements
Petitioner Pro-Se

ADDRESS OF Petitioner;

Robert Clements, Pro-Se
ECF * # 145598 * Dorm - 8/A -
200 - Wallace Drive
Cllo, ALABAMA 36017-2615

mail system until on or about, August, 24, 2004. Your Petitioner further shows to this Court that he was not able to get the prison law library until 08-26-04 and [7] days later the trial judge denied your Petitioner's Rule #32 Petition without an evidentiary hearing or a chance to respond to the Respondent's Response.

[5].

Hence, the filing of this instant "Motion to Reconsider".

III.

ISSUES IN SUPPORT OF GRANTING THIS INSTANT MOTION

ISSUE #1:

Your Petitioner shows to this Court that your Petitioner was coerced into a confession in that he was intoxicated to the point of not being able to mentally form cognitive and informed decisions when he was arrested.

Your Petitioner shows to this Court that the individuals who arrested your Petitioner admitted that your Petitioner was drunk, as that is why they originally arrested your Petitioner.

Your Petitioner shows to this Court he was so drunk when he was arrested that he could hardly sign his name to the waiver of rights form. See Code of Alabama, §13A-3-2, et. seq., and; Lovette-v- State, 491 So. 2d. 1034, 1035, and see also; Exhibits "E-1 & E-2".

The arresting officer and investigating officers were to wait until your Petitioner was sober so that your Petitioner could make cognitive and informed decisions about waving his constitutional rights and making statements to the police and said investigators.

Hence, any statements are to be suppressed and not to held against your Petitioner.

ISSUE #2:

Petitioner shows to this Court that he was coerced into making a plea. Said coercion came from your Petitioner's attorney in the form of incorrect information to your Petitioner in that said attorney advised your Petitioner that the forensics tests had come back and that since said tests had and allegedly implicated your Petitioner the prosecution would

THAT YOUR Petitioner was further coerced into making a plea because the Court and your Petitioner's attorney advised your that his "bad checks" prior conviction could be used against your Petitioner to enhance your Petitioner's "Conspiracy to Commit Armed Robbery" is a Class "B" felony and with [2] prior convictions including the "bad checks" offense to enhance your Petitioner's punishment. See Exhibit "E-1".

Petitioner further shows to this Court that he "mis-spoke regarding the range of punishment of your Petitioner if he , the Petitioner, had only one prior felony", this is a statement from the Trial Judge in THE JUDGE'S Order to dismiss your Petitioner's Rule #32 Petition. See Exhibit "B-2".

Your Petitioner shows to this Court that "bad checks" is a Class "A" misdemeanor. See Code of Alabama, 1975, §13A-9-13.1.

Hence, your Petitioner was given erroneous information about his "bad check" prior conviction could be used to enhance your Petitioner's punishment by the Court and Petitioner's attorney. Therefore, Petitioner was coerced into making a "guilty plea" without being properly advised of the minimum and maximum range of punishments.

Since Petitioner was not properly advised of the proper minimum and maximum range of punishments Petitioner's conviction is due be vacated. See Boykin-v-Alabama, 395 U.S. 238, 23 L.ed. 2d. 274, 89 S.Ct. 1709.

ISSUE #3:

PETITIONER'S CONVICTION WAS OBTAINED BY AN UNCONSTITUTIONAL FAILURE OF THE PROSECUTION TO NOT DISCLOSE EVIDENCE FAVORABLE TO YOUR PETITIONER.

Petitioner shows to this Court that Petitioner's attorney filed a "Motion for Discovery" on or about January 16, 2003. See Exhibit "L-1 thru L-3".

Furthermore, this Court granted said "Motion to Discover" on or about April 15th., 2003. See Exhibit "M".

In your Petitioner's "motion to Discover" your Petitioner asked for, and, the Judge granted requests for "Brady" material among other things. See Exhibits "L-1 thru L-3".

But, this Court either failed to make available everything to the Petitioner, or, your Petitioner's attorney, even though this Court granted your Petitioner's Motion for Discovery on on or about April 15th, 2003. See attached Exhibit "M".

Also, the prosecution failed to make available to your Petitioner's attorney requested discovery materials, see exhibit "L-1 thru L-3", because your Petitioner's attorney did shows or discuss anything she had discovered from the prosecution with your Petitioner prior to trial or your Petitioner's guilty plea.

It was not until February 17, 2004, that your Petitioner finally saw what the prosecutions alleged evidence was against your Petitioner. SEE Exhibit "A-14".

Your Petitioner shows to this Court that the prosecution had a responsibility not only to provide to your Petitioner through discovery filed by your Petitioner, see exhibit "L-1 thru L-3", and granted by the court, see exhibit "M", but, also pursuant to: Brady-v-Maryland, 373 U.S. 83, 83 S.Ct. 1194, 10 L.Ed. 2d. 215 and further pursuant to: Alabama Rules of Criminal Procedure, Rule # 16, et. seq..

The exculpatory evidence that your Petitioner finally received and reviewed in February, 2004, should have been provided to your Petitioner before his trial and guilty plea.

But, apparently your Petitioner's attorney did not have this information as said attorney did not discuss said information with your Petitioner prior to his trial and guilty plea.

Said exculpatory evidence is as follows:

- 1). Four different conflicting, and, false statements made by the alleged co-defendant, see exhibits "K-1 thru "K-14", and;
- 2). No evidence from the police department or the department of forensic science, see exhibits "C-1 thru "C-12".

Your Petitioner shows to this Court that "BRADY" reasoned that if the state court were allowed to withhold potentially exculpatory evidence which had been demanded through "DISCOVERY" the State would be able to shape the very nature and outcome the case, as in your Petitioner's instant case at bar.

Your Petitioner shows to this Court that denial of exculpatory evidence is not only a violation of the [6th] and [14th] amendments to the United States Constitution, but, also a fur-

[6]. See United States-v-Agurs, 427 U.S. 97, 96 S. Ct. 2392, 4 L.Ed. 2d. 342, and, Miller-v-State, 386 U.S. 1, 87 S.Ct. 785, 17 Led. 2d. 690.

Finally, pursuant to: Alabama Rules of Criminal Procedure, Rule #16.1[f]: "Nothing in this Rule [Rule 16.1 et. seq., shall shall be construed to limit discovery of exculpatory evidence to which your Peititioner is entitled under constitutional or other provisions of law.]".

Your Petitioner shows to this Court that the state intimated to your Petitioner's lawyer that evidence from the forensics lab indicated to your Petitioner' attorney that your was guilty according to said evidence they had received. See Petitioner's lawyer's letter to your Petitioner dated: 06-03-03, Exhibit "C-3".

In reality, which your Petitioner should have known right from the start form the Respondents is that there was no evidence, see exhibit "C-1 thru C-12, and, K-1 thru K-2".

If your Petitioner would have known that there was no evidence against your Petitioner your Petitioner would have 1]. not pled guilty, and; 2]. would have went to trial.

ISSUE #4:

Your Petitioner shows to this Court that pursuant to the [5th]; [6th]; and, [14th] Amendments to the United States Constitution, Petitioner shall have effective assistance of counsel, whether; counsel was appointed, or, obtained. The level of representation shall be the same, but, in your Petitioner's case at bar your Petitioner's representation by his counsel was so ineffective that it prejudiced your petitioner from the start by denying your Petitioner effective assistance of counsel.

Your Petitioner shows to this Court that your Petitioner's Attorney owed your Peititioner a "duty of loyalty, a duty to advocate your Petitioner's defense, a duty to consult with your Petitioner on important decisions, a duty to keep your Petitioner informed of important developments in the course of your Petitioner's prosecution, and, a duty to bear such skill and knowledge as which will render the trial a reliable testing process of advocating your Petitioner's defense in

466 U.S. 668, 80 L.Ed. 2d. 674, 104 S.Ct. 2039, and; Chronic-
v-United States, 466 U.S. 648, 80 L.Ed. 2d. 657, 104 S.Ct.

2052.

Your Petitioner shows to this Court that your Petitioner's provide effective assistance of counsel by not doing the following, to wit;

1]. Did not contact the following witnesses who contacted your Petitioner's attorney to testify in your Petitioner's behalf. See Exhibit "I-1 thru I-6", and;

2]. Did no investigatory work in your Petitioner's case because if she had of Petitioner's attorney would have found out the following:

a]. The shotgun did not belong to your Petitioner, see exhibits "I-1 thru I-6"; "H-1 & H-2" which shows that the shotgun was found where the alleged co-defendant was parked when the police came by, and;

b]. There was no evidence that your Petitioner ever had constructive of or physical possession of the alleged shotgun, see exhibit "D-2", and;

c]. No forensics reports that matched your Petitioner to the alleged shotgun, see exhibits "C-1 thru C-12".

d]. That your Petitioner was there as he had been known to come to work there, for legitimate reasons, see exhibits "G-1 thru G-3", and;

y e]. That the alleged co-defendant made four different, conflicting, and false statements against your Petitioner, see exhibits "K-1 thru K-2".

3]. Failed to file recusal of judges in both the district court and the circuit court as said attorney promised to do in her letter to your Petitioner on 06-03-03, see exhibit "A-3".

4]. Failed to go over evidence produced by the respondents in response to your Petitioner's "motion for discovery", see exhibits "M"; "L-1 thru L-3", and; "C-1 thru C-12" "I-1 thru I-6", "H-1 and H-2"; "K-1 thru K-14".

5]. Petitioner's attorney failed to file any pre-trial motions to suppress evidence against your Petitioner [i.e. inconsistent and false statements against your Petitioner]; see exhibits "K-1 thru "K-14"; witnesses in support of your Petitioner, see exhibits "I-1 thru I-6"; forensic tests that dismissed your Petitioner from possession of the shotgun, mask, gloves, etc., see exhibit "C-1 thru C-12".

6]. Acted in concert with the prosecution to gain a guilty plea from your Petitioner by informing your Petitioner that the state possessed forensic evidence against your Petitioner, see exhibit "A-3", and that because they had said evidence the respondents would only offer [25] years.

Your Petitioner was turning down offers until your your Petitioner was informed by the Petitioner's letter from his attorney dated 06-03-03, see exhibit "A-3", that the state had forensic evidence against your Petitioner which proved to be false as the state had no evidence against your Petitioner. see exhibits "C-1 thru C-12".

7]. Petitioner's attorney took upon herself to not file for a Preliminary hearing without talking to your Petitioner first. see exhibit "A-3".

Your Petitioner has a constitutional and statutory right to a Preliminary Hearing prior to your Petitioner being indicted. Your Petitioner shows to this Court your Petitioner now has learned that there was no evidence linking your Petitioner to the crime and there may have a good chance that your Petitioner would not have been bound over for indicted and since there was no evidence against your Petitioner your Petitioner would have had at least a good chance for bail reduction. See exhibits "A-1, C-1 thru C-12; D-2; I-1 thru I-6; "K-1 thru K-14".

8]. Did not investigate the alleged co-defendant's [4] different, inconsistent, and false statements, see exhibits "K-1 thru K-14".

9]. Did not investigate to see if the prosecution had exculpatory evidence, which; they did. see exhibits "C-1 thru C-12".

10]. Failed to go over any evidence with your Petitioner or discuss strategy for your Petitioner.

11]. Failed to discuss and prepare for your Petitioner's defense for a trial and even informed your Petitioner "WHY, YOUR GOING TO LOSE ANYWAY" this is in contrast as with what said attorney said to your Petitioner's wife, "I CAN WIN THIS CASE".

12]. Failed to file "Motion to Suppress and Motion to QUASH" because of no evidence against your Petitioner. See exhibits "C-1 thru C-12"; "I-1 thru I-6"; "K-1 thru K-14".

13]. Failed to file "Motion for change of Venue" AS YOUR Petitioner's attorney promised in a letter to your Petitioner dated 06-03-03 see exhibit "A-3".

14]. Asked attorney to withdraw but she refused to, see exhibit "A-3".

Hence, your Petitioner shows to this Court that your Petitioner's attorney was ineffective on several occasions, thus, Petitioner's conviction and sentence are due to immediately be vacated by this Honorable Court. See Terry-v-State, 601 So. 2d. 161, certiorari denied; Waver-v-State, 401 So. 2d. 344; Gore-v-State, 227 So. 2d. 432, 45 Ala. App. 146, cert. denied 227 So. 2d. 435, 284 Ala. 729, certiorari denied, 90 S.Ct. 1002, 397 U.S. 966, 25 L.Ed. 2d. 258.

ISSUE #5:

Your Petitioner shows to this Court that your Petitioner's indictment is fatal. See exhibit "D-1".

Your Petitioner shows to this Court that said "Indictment" is fatal as nowhere in said indictment does it so state "KNOWINGLY".

The indictment is defective... if it fails to charge that Petitioner "knowingly" committed the act for which your Petitioner arrested for and convicted and sentenced of.

The Court is " without authority to add to, or to take from **any** of the material averments. See Crump-v-State, 30 Ala. App. 241, 242. 4 So. 2d. 1941.

Alabama Courts have expressly recognized that "knowledge" is the essential element to the conviction for **any** offense. See Walker-v-State, 356 So. 2d. 672, and; Donahoo-v-State, 505, So. 2d. 1067, 1070.

Your Petitioner further shows to this Court that your Petitioner's indictment failed to even charge "CONSPIRACY". See ALABAMA RULES OF CRIMINAL PROCEDURE, Rule # 15.5 [c] [2], and' Rule #16.2 [a] [d], hence, Petitioner's indictment is fatally deficient and this Court never had jurisdiction to try your Petitioner, muchless; convict and sentence your Petitioner. See 580 So. 2d. 30.

Your Petitioner further shows to this Court that he pled guilty in this instant case at bar and that by pleading guilty your Petitioner would waive any irregularities in an indictment by appearing and pleading in a trial court, because his plea to the merits is held as an admission that the indictment is valid.

However, "[t]he only exception to this is when an indictment fails to include an essential element of the offense which leaves the accused unaware of the nature and the cause of the charge, as in your Petitioner's instant case at bar. See exhibit's "D-1".

Hence, this Court is bound to take notice of the defects in your Petitioner's indictment and render it void, even in the absence of an objection by your Petitioner. See Canada-v-State, 421 So. 2d. 145; Felder-v-State, 512 So. 2d. 817, 818, and; Barbee-v-State, 417 So. 2d. 612.

ISSUE # 6:

Your Petitioner shows to this Court that your Petitioner filed his Rule #32 Post-Conviction Petition pursuant to: Newly Discovered material facts in accordance with A.R.Cr.P., Rule #32.1 [e] in that your Petitioner, for the first time, on or about 02-17-04 as your Petitioner's attorney had finally after several attempts to gain said documents and that pursuant to diligent research was able to file an A.R.Cr.P., Rule #32 Petition challenging his illegal and unconstitutional conviction.

Your Petitioner shows to this Honorable Court that after your Petitioner was able to gain his case documents for the first time on or about 02-17-03, see exhibit "A-4", your Petitioner, within [6] months timely filed his Rule #32 Petition pursuant to: "newly discovered evidence". SEE exhibit "A-4", and, A.R.Cr.P., Rule #32.1 [e]. Therefore your Petitioner's Rule #32 Petition is properly before this Court for proper adjudication to vacate your Petitioner's conviction and sentence. "Exhibits " A thru M", were brought forth to your Petitioner for the first time on or about 02-03-03, see exhibit "A-4".

ISSUE #7:

Your Petitioner shows to this Court that the Judges that were reviewing your case, [i.e. Nix and Walker] were prejudicial against your Petitioner as said Judge were friends with the alleged victim's family.

Your Petitioner shows to this Court that your Petitioner's bail was [\$5,000] and that at a later date said Judge[s], for no reason raised your Petitioner's bail to [\$1,760,000], see

exhibit "A-2". Your Petitioner further shows to this Court that your Petitioner asked your Petitioner to file for an change of venue and said attorney promised to do so, see exhibit "A-3", but, said attorney failed to do so.

Therefore, said prejudice by said Judge[s] violated your Petitioner tight to a fair and equitable bail of [\$3,000 to no more #30,000]. See Alabama Rules of Criminal Procedure, Rule #7.2, which; also, violated your Petitioner's U.S.C.A., #[8] rights, and; Alabama Constitution, 1901, Art. I, §[6] rights for fair bail. See Williams-v-Faucett, 579 So. 2d. 572.

Furthermore, your Petitioner shows to this Court that since said Judge[s] were friends of the family said Judge[s] should have recused themselves, but, failed to do so which put them in violation of Canon of Judicial Ethics, #3, subds. C, C[1], See also, Ex Parte Duncan, 638 So. 2d. 1332.

IV.

CONCLUSION AND PRAYER FOR RELIEF

WHEREFORE PREMISES SHOWN, and pursuant to: A.R.Cr.P., Rule #32, et. seq., your Petitioner hereby prays that this Court; 1]. Rescind its "ORDER" of 09-02-04 dismissing your Petitioner's Rule #32 Petition, and; 2]. reinstate your Petitioner's Rule #32 Petition and ORDER a evidentiary hearing on said Rule #32 Petition as soon as possible, and; 3]. If the facts prevail in your Petitioner's Rule #32 Petition then "ORDER" your Petitioner's conviction and sentence immediately vacated.

Your Petitioner finally prays that this COURT GRANT WHAT FURTHER RELIEF that this court deems just, proper, and, necessary. Executed this the 6 day of October, 2004.

Respectfully Submitted,

X Robert Clements

ROBERT WAYNE CLEMENTS
PETITIONER, PRO-SE

GULLAGE AND TICKAL, LLP

ATTORNEYS AT LAW

2304-A GATEWAY DRIVE
OPELIKA, ALABAMA 36801

TELEPHONE: 334-749-5115
FACSIMILE: 334-742-0999
www.Lawyers.com/Gullage&Tickal

JAMES T. GULLAGE
JEFFREY G. TICKAL

KENT M. LAUDERDALE
LAUREN AKENS LAUDERDALE

March 14, 2003

Robert Wayne Clements
P.O. Box 2407
Opelika, AL 36803-2407

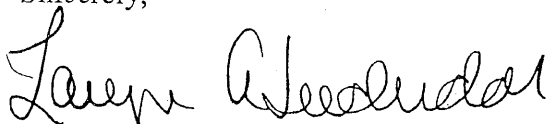
Dear Mr. Clements:

You were charged with attempted robbery, and the Hon. Jerry Hauser was appointed to represent you. Since this charge arises out of the same warrants as the ones that I am representing you on, Mr. Hauser filed a motion to withdraw and I filed a notice of appearance. I spoke with Det. Bugg, and since there is no new evidence, I waived the preliminary hearing requested by Mr. Hauser.

The Grand Jury will meet the week of April 7, 2003. Most likely they will determine there is sufficient evidence to go forward with a jury trial, and they will indict you. Once they indict you, I will meet with you and prepare for trial.

If you have any questions, please do not hesitate to contact me.

Sincerely,


Lauryn Akens Lauderdale

LAL:scb

Exhibit A-2

GULLAGE AND TICKAL, LLP

ATTORNEYS AT LAW

2304-A GATEWAY DRIVE
OPELIKA, ALABAMA 36801

TELEPHONE: 334-749-5115

FACSIMILE: 334-742-0999

www.Lawyers.com/Gullage&Tickal

JAMES T. GULLAGE
JEFFREY G. TICKALKENT M. LAUDERDALE
LAUREN AKENS LAUDERDALE

April 18, 2003

Robert Wayne Clements
P.O. Box 2407
Opelika, AL 36803-2407

Dear Mr. Clements:

Your case was presented to the Grand Jury last week, and they indicted you with the charges of Conspiracy to Commit Robbery First Degree, Attempted Robbery First Degree, Possession of Short Barreled Shotgun, and Possession of Burglar's Tools. The Judge ordered a bond of one million dollars in the Conspiracy to Commit Robbery First Degree, \$500,000.00 bond for the Attempted Burglary First Degree, \$250,000.00 bond for Possession of Short Barreled Shotgun and \$10,000.00 bond for Possession of Burglar's Tools. Your bond totals \$1,760,000.00. I will file a motion to reduce your bond, but I doubt it will be granted.

I will meet with you shortly to complete some paperwork before the arraignment which is scheduled for April 24, 2003 at 9:00 a.m.

Sincerely,



Lauryn Akens Lauderdale

LAL:scb

GULLAGE AND TICKAL, LLP

ATTORNEYS AT LAW

2304-A GATEWAY DRIVE
OPELIKA, ALABAMA 36801

TELEPHONE: 334-749-5115

FACSIMILE: 334-742-0999

www.Lawyers.com/Gullage&Tickal

JAMES T. GULLAGE
JEFFREY G. TICKALKENT M. LAUDERDALE
LAURYN AKENS LAUDERDALE

June 3, 2003

Robert Wayne Clements
P.O. Box 2407
Opelika, AL 36803-2407

Dear Mr. Clements:

I am in receipt of your letter in which asked me to withdraw from your case. Unfortunately, this Court will only appoint you one criminal defense attorney. They will not appoint another. The only way you will be able to get another attorney is if you hire one. With that being said, I will continue to represent you to the best of my ability.

I conveyed to you all of the District Attorney's plea offers. You rejected each one. When he offered 23 years, you refused that one. I went to the District Attorney and offered 15 years. He refused. Once the forensic report came back, he offered 25 years. You refused that offer. He said that he would keep an offer of 30 years open until the end of this criminal term. It is my understanding that you have refused that offer as well. Please be aware that if you do not plead during this criminal term, he will not offer any another plea deals.

I am currently working on a motion to change venue and also preparing this case for trial next term.

I understand that you have requested a lie detector test. Please be aware that they are inadmissible because they are unreliable.

If you still feel strongly about my representing you, please let me know, and I will schedule a hearing before Judge Walker.

Sincerely,


Lauryn Akens Lauderdale

LAL:scb

Exhibit 7 A-4

GULLAGE, TICKAL,
LAUDERDALE & LAUDERDALE, LLP

130

ATTORNEYS AT LAW

700 AVENUE D
OPELIKA, ALABAMA 36801
P.O. BOX 230
OPELIKA, ALABAMA 36803-0230

TELEPHONE: 334-749-5115

FACSIMILE: 334-742-0999

www.Lawyers.com/gullageandtickal

February 17, 2004

JAMES T. GULLAGE
JEFFERY G. TICKAL


LAURYN A. LAUDERDALE
KENT M. LAUDERDALE

Robert Clements
ECF #145598 – Dorm 9/A-29
P.O. Box 10
Clio, AL 36017-0010

Dear Mr. Clements:

I am in receipt of your letter dated January 12, 2004. You requested a copy of the statements that Mrs. Clements brought to me as well as a copy of the letters that you mailed to me. Enclosed please find those documents for your records.

Sincerely,


Lauryn A. Lauderdale

LAL:scb

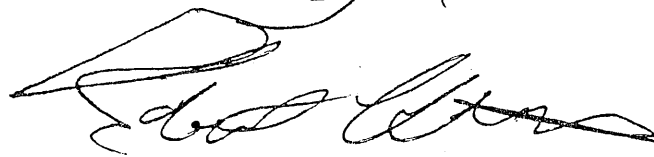
Encls.

EXHIBIT "A-5"

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Miss Corodale
I told my wife about the so you
offered me she wants to talk to
you, please BRING me a copy of
the Transcripts one you come today
my wife seems to think a lot of
~~different stuff about my case, you~~
can tell her about the time that was
offered, I will see you today. Please
help me Miss Corodale, please try to get
me 15

Thank
you



VS.

Robert Clements

DEFENDANT.

CASE NO. _____

AFFIDAVIT BY DEFENDANT OF PRIOR FELONY CONVICTIONS

Before me, the undersigned attesting officer, personally appeared Robert Clements, who being duly sworn, says on oath the following:

A. ~~I have been convicted of the following felony offenses and no others:~~

Bad Checks

Burglary 3rd Theft of Property

B. I understand that if I have been previously convicted of any felony offense that I must be sentenced now under the Alabama Habitual Offender Act;

C. I understand, further, that should I fail to reveal all of my prior felony convictions on this Affidavit, that my plea Recommendation by the District Attorney shall be null and void and that I may be subject to prosecution for perjury.

Robert Clements

DEFENDANT

SWORN TO and subscribed before me this the 5 day of August, 2003.

Lauren A. Lovelace

NOTARY PUBLIC

My Commission Expires 11/04/06

EXHIBIT "B-2"

Under this issue, the Petitioner raises the contention that he was not informed of the range of punishment in this case. However, a review of this file indicates that the Defendant signed an "Ireland Form" which sets forth the range of punishment. A copy of said form is attached hereto and marked as Exhibit "B". Furthermore, the Court has reviewed a copy of the Plea transcript. Twice the Court reviewed the range of punishment with the Defendant, once at the beginning of the Plea and again after the Defendant was placed under oath. The Court sentenced the Defendant pursuant to the Plea Recommendation. Furthermore, it should be noted that the Defendant does not contend as to exactly how the Court mis-informed the Defendant. Under this issue, the Defendant also made certain allegations against his Court-appointed Attorney. The Court will address this issue later in this Order.¹

2. The Defendant contends that the conviction was obtained by use of a coerced confession from the Defendant and the alleged Co-Defendant.

As the District Attorney stated in his response, the State did not obtain a conviction as a result of the use of a coerced conviction, involuntarily waived Memoranda Rights, nor any illegal seizure of any evidence, whatsoever, because the Defendant entered a guilty plea. Since the Petitioner entered a guilty plea, the necessity of a trial and an admission of the evidence was obviated. As also point out in the District Attorney's Response, the Plea of Guilty was in no way conditioned on the admissibility of the State's evidence and the Court did find that sufficient, factual basis existed for the Plea.

1. The Defendant contends that his counsel was ineffective. The Defendant listed a long litany of items that his Attorney allegedly did not do.

This Court is very familiar with the trial work of Attorney Lauryn Lauderdale. The Court believes Attorney Lauryn Lauderdale to be an ethical and conscientious Attorney. Furthermore, there are several examples where the Defendant allegations are easily disproved:

- I. The Defendant contends that he did not agree to waive his Arraignment. However, a copy of the Waiver of Arraignment Form contains the Defendant's signature. A copy of said Waiver of Arraignment Form is attached hereto as Exhibit "C".
- II. The Defendant alleged that he was not informed of his appellant rights. However,

¹As stated, the Court has reviewed the Defendant's Guilty Plea. At one point, the Court mis-spoke regarding the range of punishment, however, in the Court's opinion it was not material since it dealt with only the range of punishment if the Defendant had one prior felony instead of two prior felonies. The Court stated that if the Defendant had only one prior felony, the minimum sentence would be twenty (20) years. However, the Court properly informed the Defendant of the minimum sentence if the Defendant had two prior felonies. The Defendant admitted he had two prior felonies and all paperwork submitted to the Court indicated that the Defendant has two prior felonies.

ALABAMA DEPARTMENT OF
FORENSIC SCIENCES

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/DFS#

EVIDENCE SUBMISSION FORM

DATE 1/16/03COUNTY WHERE OFFENSE OCCURRED LEESUSPECT(S) Robert Wayne Clements RACE W SEX M DOB 1/19/66Michael Lee Williamson RACE W SEX M DOB 7/31/72SUBJECT(S) _____ RACE _____ SEX _____ DOB _____
ORVICTIM(S) Julia M. Statum RACE W SEX F DOB 2/28/21REQUESTING OFFICER Ben Bugg TITLE DetectiveTELEPHONE NO. 705-5220 NORMAL DUTY HOURS 8-4AGENCY Opelika Police DepartmentMAILING ADDRESS P. O. Box 2485, Opelika, Alabama 36803-2485LAW ENFORCEMENT CASE NO. 03-000320YOUR CASE/PROPERTY NO. 03D0057TYPE OF CASE (CHARGE) Att. Burglary I, Poss. Short Barreled Shotgun

REF HISTORY OF CASE: Clements and Williamson were arrested attempting to break into a residence. A sawed off shotgun, a ski-mask, and work gloves were found in the bushes near the front door of the victim's residence. They were charged with Att. Burglary I, Poss. of a Short Barreled Shotgun, and Poss. of Burglar's tools.

EVIDENCE SUBMITTED: One sealed manilla envelope labeled Item#8, containing two brown work gloves. One sealed manilla envelope labeled Item #9 containing a black knit mask. One sealed manilla envelope labeled Item #18 containing head hair from Michael Lee Williamson. One sealed manilla envelope labeled Item #19 containing two Q-tips containing known saliva of Michael Lee Williamson. One sealed manilla envelope labeled Item #20 containing head hair from Robert Wayne Clements. One sealed manilla envelope labeled Item #21 containing two Q-tips containing known saliva of Robert Wayne Clements.

APR 14 2003

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EXAMINATION(S) REQUESTED: Try to match defendants DNA with the mask and gloves.

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On 1/13/03, Det. Bugg got saliva and hair from Clements at the Opelika Police Department. A written order was also obtained.

On 1/13/03, Julia Tatum signed warrants on Williamson and Clements, charging them with Attempted Burglary First Degree, Possession of a Short-Barreled Shotgun, and Possession of Burglar's Tools. Before Tatum signed the warrants she told Det. Bugg that she had never given Clements permission to get a mantle from her property.

On 1/13/03, Clements and Williamson were transferred to the Lee County Jail.

On 1/16/03, Det. Bugg took the shotgun, the shotgun shell, and the Vodka bottle to ABI-Latent Print Unit for processing. Det. Bugg advised latent print examiner Rorzell Lohman to forward the gun to DFS after they processed it. A DFS submission form was given to Lohman.

On 1/16/03, Det. Bugg took the ski mask, the gloves, and the known DNA to DFS.

On 1/23/03, Det. Bugg and Det. Vickers served a search warrant at the Clements' residence, 110 Lee Road 445, Opelika, Lee County, Alabama. Det. Vickers recovered a barrel and stock to a shotgun from the residence, which appeared to match the gun recovered at the Tatum residence.

On 1/23/03, Det. Vickers took the barrel and stock to ABI. ABI is going to forward the barrel and stock to DFS after they process it, to be compared with the weapon recovered at the crime scene.

Detective Ben Bugg

APR 14 2003

ALABAMA DEPARTMENT OF
FORENSIC SCIENCES

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/DFS#

EVIDENCE SUBMISSION FORM

DATE 1/16/03COUNTY WHERE OFFENSE OCCURRED LEESUSPECT(S) Robert Wayne Clements RACE W SEX M DOB 1/19/66Michael Lee Williamson RACE W SEX M DOB 7/31/72

SUBJECT(S) _____ RACE _____ SEX _____ DOB _____

or

VICTIM(S) Julia M. Tatum RACE W SEX F DOB 2/28/21REQUESTING OFFICER Ben Bugg TITLE DetectiveTELEPHONE NO. 705-5220 NORMAL DUTY HOURS 8-4AGENCY Opelika Police DepartmentMAILING ADDRESS P. O. Box 2485, Opelika, Alabama 36803-2485LAW ENFORCEMENT CASE NO. 03-000320YOUR CASE/PROPERTY NO. 03D0057TYPE OF CASE (CHARGE) Att. Burglary I, Poss. Short Barreled Shotgun

IEF HISTORY OF CASE: Clements and Williamson were arrested attempting to break into a residence. A sawed off shotgun, a ski-mask, and work gloves were found in the bushes near the front door of the victim's residence. They were charged with Att. Burglary I, Poss. of a Short Barreled Shotgun, and Poss. of Burglar's tools.

EVIDENCE SUBMITTED: One sealed manilla envelope labeled Item#8, containing two brown work gloves. One sealed manilla envelope labeled Item #9 containing a black knit mask. One sealed manilla envelope labeled Item #18 containing head hair from Michael Lee Williamson. One sealed manilla envelope labeled Item #19 containing two Q-tips containing known saliva of Michael Lee Williamson. One sealed manilla envelope labeled Item #20 containing head hair from Robert Wayne Clements. One sealed manilla envelope labeled Item #21 containing two Q-tips containing known saliva of Robert Wayne Clements.

APR 14 2003

Public Safety

BUREAU OF INVESTIGATION

FINGERPRINT EXAMINATION REQUEST
ABI-28 (2-9)

138

TYPE OR PRINT CLEARLY (USE BLACK INK) AND SUBMIT IN TRIPLICATE

LOG #134

RETURN TO: LATENT PRINT UNIT
P. O. BOX 1511
Montgomery, AL 36192-0511
Phone: (334) 242-4244

CONTRIBUTOR TITLE: DETECTIVE		6. CONTRIBUTOR CASE NO: 03D0057	
NAME: BEN BUGG		7. TYPE OF CRIME: ATT. BURGLARY I, POSS. SHOTGUN	
3. AGENCY: OPELIKA PD		8. DATE OF CRIME: 1/11/03	
ADDRESS: P. O. BOX 2485		9. VICTIM OF CRIME: JULIA M. TATUM	
CITY: OPELIKA STATE: AL ZIP: 36801		10. DPS LATENT CASE NO: 09-0682-22-03	
4. PHONE NO: 334-705-5227		11. NEW CASE:	
5. REPORT TO: BEN BUGG		12. ADDITIONAL EVIDENCE OR SUSPECT	
14. SUBMITTED BY: DRAG VICKERS PRINT NAME		13. SPECIAL INSTRUCTIONS: PROCESS EVIDENCE FOR PRINTS AND COMPARE WITH KNOWN ROLLED PRINTS	
15. SIGNATURE: BEN BUGG		16. AGENCY: OPELIKA PD	
17. DATE/TIME: 1/23/03 4:30PM		18. DETAILED LIST OF ITEMS SUBMITTED: INCLUDE NAME, RACE, SEX, DOB, OF ALL SUSPECTS. USE EXTRA SHEETS IF NECESSARY	
#1 ONE SEALED MANILLA			
ENVELOPE CONTAINING ONE 12ga.			
SHOTGUN BARREL, ONE CUT WOOD			
STOCK AND ONE STOCK PAD			
* PLEASE FORWARD TO DFS			
ALONG WITH THE GUN			

APR 14 2003

RECEIVED BY: Gayle Peters PRINT NAME		SIGNATURE: Gayle Peters		19. FOR DPS USE ONLY	
EVIDENCE RETURNED TO: PRINT NAME		SIGNATURE:		HOW RECEIVED: personally	
EVIDENCE RETURNED BY: PRINT NAME		SIGNATURE:		DATE/TIME: 1/23/03 4:30PM	
LOG NO:		TYPE:		REV.	
AS		CAS		CLTR	
LTR		NLV		EXHIBIT NO:	

Alabama Department of

Public Safety

BUREAU OF INVESTIGATION

FINGERPRINT EXAMINATION REQUIRE
AS-22 (2-1)RETURN TO: LATENT PRINT UNIT
P. O. BOX 1511
Montgomery, AL 36192-05
Phone: (334) 242-4244

TYPE OR PRINT CLEARLY (USE BLACK INK) AND SUBMIT IN TRIPLICATE

CONTRIBUTOR TITLE: DETECTIVE		6. CONTRIBUTOR CASE NO: 03D0057	
2. NAME: BEN BUGG		7. TYPE OF CRIME: ATT. BURGLARY I POSS. SHORT BARRELED SHOTGUN	
3. AGENCY: OPELIKA POLICE DEPT		8. DATE OF CRIME: 1/11/03	
ADDRESS: P. O. BOX 2485		9. VICTIM OF CRIME: JULIA M. TATUM	
CITY: OPELIKA STATE: AL ZIP: 36801		10. DPS LATENT CASE NO: 09-0682-22-03	
4. PHONE NO: 334-705-5227		11. NEW CASE:	
5. REPORT TO: BEN BUGG		12. ADDITIONAL EVIDENCE OR SUSPECT:	
14. SUBMITTED BY: BEN BUGG		13. SPECIAL INSTRUCTIONS: PROCESS EVIDENCE FOR PRINTS AND COMPARE WITH KNOWN ROLLED PRINTS	
15. SIGNATURE: Ben Bugg		16. AGENCY: OPELIKA PD	
17. DATE/TIME: 1/15/03		18. DETAILED LIST OF ITEMS SUBMITTED: INCLUDE NAME, RACE, SEX, DOB, OF ALL SUSPECTS. USE EXTRA SHEETS IF NECESSARY	
#1) KNOWN ROLLED PRINTS OF ROBERT WAYNE CLEMENTS W/M 1/19/66			
#2) KNOWN ROLLED PRINTS OF W/M MICHAEL WILLIAMSON 7/31/1972			
#3) BROWN PAPER BAG LABELED ITEM 10 CONTAINING A 12ga. SAWED OFF SHOTGUN			
#4) MANILLA ENVELOPE LABELED ITEM 11 CONTAINING A 12 GA SHOTGUN			
#5) MANILLA ENVELOPE LABELED ITEM #14 CONTAINING A BOTTLE OF PREMIUM SKOL VODKA			

RECEIVED BY: He Peters		19. FOR DPS USE ONLY	
PRINT NAME: He Peters		SIGNATURE: [Signature]	
RETURNED TO: [Signature]		HOW RECEIVED: personally	
PRINT NAME: [Signature]		AGENCY: [Signature]	
EVIDENCE RETURNED BY: [Signature]		DATE/TIME: 1/16/03 2:55 pm	
PRINT NAME: [Signature]		DATE/TIME: [Signature]	
OG NO: [Signature]		HOW RETURNED: [Signature]	
[Signature]		DATE/TIME: [Signature]	

APR 14 2005

-23-

DATE: 01-11-03

TIME: 2330 AM / PM

I, MICHAEL WILLIAMSON, having been informed of my constitutional rights not to have a search made of the motor vehicle hereinafter mentioned without a search warrant and of my right to refuse to consent to a search, hereby authorize OFFICER CONYER and SGT. BARTON, police officers of the City of Opelika Police Department, Opelika, Alabama, to conduct a search of the motor vehicle described as follows: TAN 1990 HONDA CIVIC 43C 835J
1HGE D3542 LL 002022

These officers are authorized by me to take from the above described motor vehicle any BURGLAR TOOLS

which they desire and any evidence or contraband found can be used in court against me.

This written permission is being given by me to the above named officers voluntarily and without any threats or promises of any kind.

Michael L. Williams

Witness: Richard P. Conyer

Witness: Alan Barton

TIME SEARCH BEGUN: 2334 AM / PM

TIME SEARCH ENDED: 2344 AM / PM

ITEM(S) SEIZED:

- | | |
|----------------------------|-----|
| 1) <u>1 PARA CORD BAG</u> | 2) |
| 3) <u>1 STUN GUN</u> | 4) |
| 5) <u>1 BLACK SKI MASK</u> | 6) |
| 7) <u>NOTHING FOLLOWS</u> | 8) |
| AOB | |
| 9) | 10) |
| 11) | 12) |
| 13) | 14) |
| 15) | 16) |
| 17) | 18) |
| 19) | 20) |
| 21) | 22) |

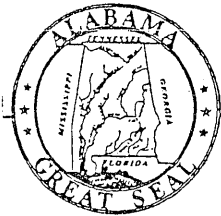
AOB
NOTHING FOLLOWS

APR 14 2003

-24-

SIGNED: Michael L. Williams

EXHIBIT "C-8"



ALABAMA

DEPARTMENT OF FORENSIC SCIENCES

REGIONAL LABORATORY
P.O. BOX 210516
MONTGOMERY, AL 36121-0516
(334) 242-2938
FACSIMILE (334) 240-3284

MEDICAL EXAMINER
P.O. BOX 240591
MONTGOMERY, AL 36124-0591
(334) 242-3093
FACSIMILE (334) 260-8734

EVIDENCE RECEIPT

CASE NUMBER: 03MGC0666 ID: 1 TYPE: 05

REFERENCES:

LAB: MG

AGENCY NUMBER: 03-000320

ORI NUMBER: AL0430200

DAY: THU

DATE: 01/16/2003

TIME: 1340

SUSPECT	RACE	SEX	BIRTH DATE	AGE	ADULT/JUV
ROBERT W CLEMENTS	W	M	01/19/1966		A
MICHAEL L WILLIAMSON	W	M	07/31/1972		A

SUBJECT	RACE	SEX	BIRTH DATE	AGE	ADULT/JUV
DALE M TATUM	W	F	02/28/1921		A

CHAIN OF CUSTODY

-6 BEN SUGG

BRIAN K WILSON

SIGNATURE

DATE

TIME

AGENCY

LOC

XXXXXXXXXX

XXXX

PD

OPELI

01/15/2003

1340

ADPS

MG

EVIDENCE REQUESTED: EXAMINE AND COMPARE

LOCATION OF EVIDENCE:

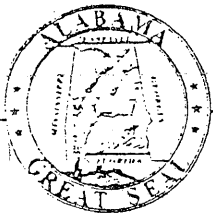
1. ONE SEALED MANILA ENVELOPE IDENTIFIED TO CONTAIN TWO GLOVES.
2. ONE SEALED MANILA ENVELOPE IDENTIFIED TO CONTAIN ONE MASK.
3. ONE SEALED MANILA ENVELOPE IDENTIFIED TO CONTAIN HAIR COLLECTED FROM MICHAEL WILLIAMSON.
4. ONE SEALED MANILA ENVELOPE IDENTIFIED TO CONTAIN KNOWN ORAL DNA STANDARDS COLLECTED FROM MICHAEL WILLIAMSON.
5. ONE SEALED MANILA ENVELOPE IDENTIFIED TO CONTAIN HAIR COLLECTED FROM ROBERT CLEMENTS.
6. ONE SEALED MANILA ENVELOPE IDENTIFIED TO CONTAIN KNOWN ORAL DNA STANDARDS COLLECTED FROM ROBERT CLEMENTS.

NO:

DETECTIVE BEN SUGG
PELIKA POLICE DEPARTMENT
0 391 2485
PELIKA, AL 36801-2485

- 25 -

APR 14 2003



ALABAMA
DEPARTMENT OF FORENSIC SCIENCES

REGIONAL LABORATORY
P.O. BOX 210516
MONTGOMERY, AL 36121-0516
(334) 242-2938
FACSIMILE (334) 240-3284

MEDICAL EXAMINER
P.O. BOX 240591
MONTGOMERY, AL 36124-0591
(334) 242-3093
FACSIMILE (334) 260-8734

September 4, 2003

STATES
EXHIBIT
"A"
2 pages
Respondent's Response
on Petitioner's
Rule # 32
Petition

Re: Case 03MG00666
Julia M. Tatum, subject
Robert W. Clements, suspect
Michael L. Williamson, suspect

MEMORANDUM: To File

BY: Joseph M. Saloom, Forensic Scientist

SUBJECT: Firearms Examination / Laboratory Results

During the course of the investigation of the above styled case, the following items of evidence were received from Forensic Scientist Kelly D. Gross on Wednesday March 26, 2003, by the undersigned.

Item 7 One sealed cardboard box containing:

Item 7-A One sealed brown paper bag containing one Montgomery Ward single shot 12 gauge shotgun, no visible serial number, with the barrel and the stock cut down. The remaining portion of the stock has black electrical tape wrapped around the pistol grip area, and the forearm is held on with black electrical tape. Laboratory examination of this shotgun revealed the barrel to be cut to a length of $11 \frac{7}{16}$ inches and the total length to be 19 inches. This shotgun was test fired using laboratory standard ammunition.

Item 7-B One sealed manila envelope containing one unfired PMC brand plastic shotshell, 12 gauge.

Item 7-C One sealed manila envelope identified to contain one bottle of vodka. No examination will be performed on this item.

J. Saloom

EXHIBIT "C-10"

The following additional items of evidence were received from Forensic Scientist Katherine T. Richert on Tuesday, September 2, 2003, by the undersigned.

Item 8 One sealed manila envelope containing:

Item 8-A One portion of a shotgun barrel. Laboratory examination of this barrel portion revealed that it has been cut with a tool similar to the tool which cut the barrel on the shotgun described previously as Item 7-A. However, it could not be determined whether or not this barrel portion was cut from the shotgun described previously as Item 7-A.

Item 8-B One portion of a wooden stock. Laboratory examination of this stock section revealed that it was at one time, one piece with the stock of the shotgun described previously as Item 7-A.

Item 8-C One rubber slip-on shotgun recoil pad.

Test fired shotshells will be retained in the laboratory for reference purposes. All other evidence in this case will be returned to the appropriate agency at the earliest opportunity.

Jack M. Slocum

DATE: JANUARY 11, 2003

CASE FILE#:

I/O#: 03-000320

SUB: ATTEMPTED BURGLARY, FIRST DEGREE

VIC: TATUM, JULIA MCKISSICK

DEF: CLEMENTS, ROBERT WAYNE

WILLIAMSON, MICHAEL LEE

DET: VICKERS

ADDITIONAL# _____

On January 12, 2003, I, Detective Craig Vickers was at the Opelika Police Department working on the aforementioned case. I processed the Honda Civic, gold in color. I took photographs of the vehicle and dusted for any latent prints of value. I was unable to lift or locate any prints of value. I also did an inventory of the vehicle's contents. The vehicle was then placed in the Opelika Police Department's Impound Lot.

On January 14, 2003, I met with Calvin Ledbetter, the owner of the Honda Civic, at the Opelika Police Department in reference to releasing him his vehicle. Ledbetter produced an Alabama title and proof of insurance. The vehicle was released to Ledbetter. Ledbetter signed the original evidence listings.

Detective Craig Vickers

APR 14 2003

Form C-7 Rev. 2/79

CASE ACTION SUMMARY
CONTINUATION

Case Number

CC 07 323
ID YR Number

Style:

State v. Robert Wayne Clements

Page Number ____ of ____ Pages

DATE

ACTIONS, JUDGMENTS, CASE NOTES

5-16-03

This case is continued to next term of court for lab. ? Results?

FILED IN OFFICE MAY 16 2003

VOL 084 PAGE 73

EXHIBIT C-12

VOL

071

688

146

INDICTMENT

THE STATE OF ALABAMA, LEE COUNTY

Circuit Court, Spring Term, 2003

The Grand Jury of said County charge that before the finding of this Indictment CC03-323 Robert Wayne Clements, alias Robert Clements, whose true christian name is otherwise unknown to the Grand Jury, did agree with Michael Lee Williams, alias, to commit the crime of Robbery First Degree (Section 13A-8-41 of the Code of Alabama) with the intent that conduct constituting said offense be performed and that Robert Wayne Clements did go to the residence of Julia M. Tatum, while said Robert Wayne Clements was armed with a shotgun, and was in possession of work gloves, ski mask and/or cord in futherance of said crime, in violation of Section 13A-4-3 of the Code of Alabama,

against the peace and dignity of the State of Alabama.



District Attorney of the 37th Judicial Circuit

Exhibit

0-2

VOL

071

PAGE 692

147

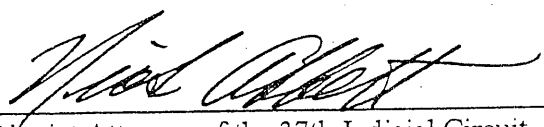
INDICTMENT

THE STATE OF ALABAMA, LEE COUNTY

Circuit Court, Spring Term, 2003

The Grand Jury of said County charge that before the finding of this Indictment CCD 3-325
Robert Wayne Clements, alias Robert Clements, whose true christian name is otherwise unknown to the
Grand Jury, did knowingly and unlawfully possess, obtain, receive, sell, or use a short-barreled rifle or a
short-barreled shotgun, to-wit: 12 gauge shotgun, in violation of §13A-11-63 of the Code of Alabama,

against the peace and dignity of the State of Alabama.


District Attorney of the 37th Judicial Circuit

Sec. 15-8-150, Code 1975.

148

YOUR RIGHTS

PLACE: Opelika Police Department
 DATE: 1/12/03
 TIME: 12:26 P.M.
 NAME: Robert Wayne Clements
 EDUCATION: 8th Grade

1/19/06

252-06-5546

X Before we ask you any questions, you must understand your rights.

You have the right to remain silent.

Anything you say can be used against you in court.

You have the right to talk to a lawyer for advice before we ask you any questions and to have him with you during questioning.

If you cannot afford a lawyer, one will be appointed for you before any questioning if you wish.

If you decide to answer questions now without a lawyer present, you will still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer.

WAIVER OF RIGHTS

I have read this statement of my rights and I understand what my rights are. I am willing to make a statement and answer questions. I do not want a lawyer at this time. I understand and know what I am doing. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

Signed: *Robert Clements*WITNESS: *Ben Boy*WITNESS: *Auan Clements*TIME: 12:29 P.M.

- 32 -

APR 14 2003

YOUR RIGHTS

PLACE: OPELIKA POLICE DEPARTMENT
DATE: 1/12/03
TIME: 1:26 A.M.
NAME: MICHAEL WAYNE ROBERTS
EDUCATION: COMPLETED 8TH GRADE

252-06-5543

1/19/03

2 Before we ask you any questions, you must understand your rights.

You have the right to remain silent.

Anything you say can be used against you in court.

You have the right to talk to a lawyer for advice before we ask you any questions and to have him with you during questioning.

If you cannot afford a lawyer, one will be appointed for you before any questioning if you wish.

If you decide to answer questions now without a lawyer present, you will still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer.

WAIVER OF RIGHTS

I have read this statement of my rights and I understand what my rights are. I am willing to make a statement and answer questions. I do not want a lawyer at this time. I understand and know what I am doing. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

Signed: WITNESS: WITNESS: TIME: 1:39 AM

APR 14 2003

RUTH W. STORY
Court Administrator
P. O. Box 2421
Opelika, AL 36803-2421
(334) 749-7141

EXHIBIT "E-1"

DATE JANUARY 13, 2003

SUBJECT 48/72 HOUR HEARING

TO:

HON. LAURYN LAUDERDALE

NAME: ROBERT WAYNE CLEMENTS

M/F

B/W/O

AGE: 1-17-66

ADDRESS: 110 Lee Rd 445 (0)

PHONE: _____

EMPLOYED: _____

MARRIED/SINGLE _____

CHILDREN: _____

CHARGE: ATTMP. BURG. I; POSS. SHORT BARREL SHOTGUN;

DESCRIPTION: _____

POSS. BURG. TOOLS

BOND AMOUNT: 1 Million PRELIMINARY REQUESTED: _____

DATE SET: _____

ATTORNEY APPOINTED: LAURYN LAUDERDALE

BY JUDGE: NIX

LAW ENFORCEMENT AGENCY: OPD

COPY OF WARRANT: AK

COPY OF STATEMENT: AK

ADDITIONAL NOTES: _____

CR0872 ALABAMA JUDICIAL INFORMATION SYSTEM CASE: CC 2003 000323.00
 PER: LEW CASE ACTION SUMMARY
 AGE: 1 CIRCUIT CRIMINAL
 N THE CIRCUIT COURT OF LEE RUN DATE: 04/15/2003
 JUDGE: JAW

E OF ALABAMA VS CLEMENTS ROBERT WAYNE
 110 LEE ROAD
 ABE: CC 2003 000323.00
 OPELIKA, AL 36801 0000

OB: 01/19/1966 SEX: M RACE: U HT: 0 00 WT: 000 HR: EYES:
 SN: 943000024 ALIAS NAMES:
 CHARGE01: CONSPIRACY - ROBBERY CODE01: ROBIC LIT: CONSPIRACY - RO TYP: F #: 001
 OFFENSE DATE: AGENCY/OFFICER: 0430000 MCMENAM

ATE WAR/CAP ISS: DATE ARRESTED:
 ATE INDICTED: 04/11/2003 DATE FILED: 04/15/2003
 ATE RELEASED: 1,200,000.00 DATE HEARING:
 OND AMOUNT: 5500-000.00 SURETIES:

ATE 1: 04/24/2003 DESC: ARRG TIME: 0900 A
 ATE 2: 05/19/2003 DESC: JTRL TIME: 0830 A

RACKING NOS: GJ 2003 000024 00 / DC 2003 000258 00

DEF/ATY: LAUDERDALE LAURYN AKENS TYPE: A
 GULLAGE & TICKAL LLT
 2304-A GATEWAY DRIVE
 OPELIKA AL 36801
 000000

ROSECUTOR: ABBETT NICK

TH CSE: GJ200300002400 CHK/TICKET NO:
 COURT REPORTER: SID NO: 0000000000 GRAND JURY: 67
 EF STATUS: JAIL DEMAND: OPER: LEW

4-15-03 DISCOVERY ORDER

AIE ACTIONS, JUDGEMENTS, AND NOTES

04/17/03

NOTICE OF ARRAIGNMENT TO
 DEFENDANT AND SURETIES

4-18-03

WRIT ISSUED - executed 4-22-03

8/03

Motion to Reduce bond

4-18-03

REQUEST FOR DISCOVERY 33 check

4-23-03

WRITTEN PLEA OF NOT GUILTY AND
 WAIVER OF ARRAIGNMENT FILED BY

4-24-03

Written plea of not guilty and waiver of arraignment filed.
 The defendant is granted (5) days to file motions for
 special pleas. This case is set for docket call on
 May 9, 2003, at 9:00 A.M. This case is
 set for docket call on May 19, 2003, at
 8:30 A.M.

FILED IN OFFICE APR 25 2003

4-2-2003

STATE'S MOTION FOR DISCOVERY

Where they Raised my Bond
 from 5000.00 to 1 million

see Cindy
 not the extra
 one she told me

EXHIBIT G-1

152

144186

CUSTOMER'S ORDER NO.		DATE	
NAME <u>Tatum</u>			
ADDRESS			
CITY, STATE, ZIP			
SOLD BY	CASH	C.O.D.	CHARGE ON ACCT.
			PAID OUT
QUAN.	DESCRIPTION	PRICE	AMOUNT
1	Strip material		500.00
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			500.00
12			
RECEIVED BY			

KEEP THIS SLIP FOR REFERENCE

adams 4705

144186

CUSTOMER'S ORDER NO.		DATE	
NAME <u>Tatum Res 1407</u>			
ADDRESS			
CITY, STATE, ZIP			
SOLD BY	CASH	C.O.D.	CHARGE ON ACCT.
			PAID OUT
QUAN.	DESCRIPTION	PRICE	AMOUNT
1	Strip material		575.00
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			575.00
RECEIVED BY			

KEEP THIS SLIP FOR REFERENCE

adams 4705

361

EXHIBIT G-2

153

144184

CUSTOMER'S ORDER NO.				DATE			
NAME <u>Tatum</u> <u>745-5530</u>							
ADDRESS <u>1407 OAK bowery Road</u>							
CITY, STATE, ZIP <u>Daytime 213-706-3052</u>							
SOLD BY	CASH	C.O.D.	CHARGE	ON ACCT.	MDSE. RETD.	PAID OUT	
QUAN.	DESCRIPTION			PRICE	AMOUNT		
1	1	Strip one mammel				600 ⁰⁰	
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
RECEIVED BY <u>4</u> <u>600⁰⁰</u>							

edams 4705

KEEP THIS SLIP FOR REFERENCE

- 37 -

EXHIBIT "G-3"

1 4192

CUSTOMER'S ORDER NO.		DATE	
NAME		Tatum	
ADDRESS			
CITY, STATE, ZIP			
SOLD BY	CASH	C.O.D.	CHARGE
		ON ACCT.	MDSE. RETD.
			PAID OUT
QUAN.	DESCRIPTION	PRICE	AMOUNT
1	Dresser Stripped		
2	3 refinish	700 ⁰⁰	
3	Small table	250 ⁰⁰	
4	Stripped 3 refinish		
5	1 mirror Stripped	125 ⁰⁰	
6	3 refinish		
7	1 Dresser	650 ⁰⁰	
8			
9			
10	Deposit 862 ⁰⁰		
11			
12			1725 ⁰⁰
RECEIVED BY			

KEEP THIS SLIP FOR REFERENCE

860

4300 1

144187

CUSTOMER'S ORDER NO.		DATE	
NAME		Robert Jackson	
ADDRESS		Tatum 745-5530	
CITY, STATE, ZIP		1407 Oakbourn Rd	
SOLD BY	CASH	C.O.D.	CHARGE
		ON ACCT.	MDSE. RETD.
			PAID OUT
QUAN.	DESCRIPTION	PRICE	AMOUNT
1	Manual Refinish	450 ⁰⁰	
2	stain		
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
RECEIVED BY			

KEEP THIS SLIP FOR REFERENCE

EXHIBIT "H-1"

The State of Alabama,

LEE COUNTY

Before me

Amend Meadows, Jr.

Clerk of the District/Circuit Court of Lee

who being first duly sworn,

County, Alabama, personally appeared Julia M. Tatum
deposes and says on oath, that ~~he~~/she has probable cause for believing and does believe that

Robert Wayne Clements, alias, did possess an explosive, tool, instrument, or other article, to-wit: sawed-off shotgun, ski mask, gloves, shotgun shell, and para-cord, which are adapted, designed or commonly used for committing or facilitating the commission of an offense involving forcible entry into premises or theft by a physical taking, with intent to use the same, in the commission of an offense involving forcible entry into premises or theft by taking in violation of 13A-7-5 of the Code of Alabama, against the peace and dignity of the State of Alabama.

Probable Cause: On or about 1/11/03 at approximately 10:44 p.m., Opelika Police Lt. Terry McMenamin responded to a prowler complaint at 1407 Oakbowery Road, Opelika, Lee County, Alabama. The resident, Julia M. Tatum, called 911 after she was awakened by her doorbell ringing. Upon Lt. McMenamin's arrival he saw a white male, later identified as Robert Wayne Clements, running through the back yard. Lt. McMenamin gave chase and ordered Clements on the ground. Clements was searched and in his pocket was a black and gold 12ga. shotgun shell and some para-cord. Lt. McMenamin located a sawed-off 12ga. shotgun, some gloves, and a knit ski mask in the bushes on the southwest corner of the house near the carport. In the chamber of the gun was a black and gold shotgun shell. Prior to officer's arrival Tatum saw a small tan car back out of her driveway and travel north on Oakbowery Road. Officer Richard Converse stopped a gold 1990 Honda Civic on Oakbowery Road near Northgate Drive. The driver was identified as Michael Lee Williamson. A consent to search was conducted on the vehicle and recovered from the vehicle was an empty para-cord package. On 1/12/03, Det. Ben Bugg advised Robert Wayne Clements of his Miranda Rights, which he stated he understood. Clements advised he was at the Tatum residence picking up a mantle that Tatum said he could ~~see~~ On 1/11/03, Det. Bugg advised Michael Lee Williamson of his Miranda Rights, which he stated he understood. Williamson advised that Clements had contacted him earlier in the day and asked him if he would take him to take care of some business when it got dark. Williamson admitted to picking up Clements and taking him to the Tatum residence on Oakbowery Road and dropping him off. Williamson advised he saw Clements walk to the front door with a shotgun. The victim reports there was no validity to Clement's statement about a mantle.

Sworn to and subscribed before me,
this 13th day of January, 20 03.

Amend Meadows, Jr.

*
*
*
*

Julia M. Tatum

Clerk, District/Circuit Court

WARRANT

The State of Alabama,
LEE COUNTY

To any Lawful Officer of the State of Alabama, Greeting:

You are hereby commanded to arrest Robert Wayne Clements, alias
and bring him/~~her~~ before District/Circuit Court of Lee County, Alabama, to answer the State of Alabama on a charge of

POSSESSION OF BURGLAR'S TOOLS, 13A-7-8

said charges preferred by Julia M. Tatum

And have you then and there this Writ with your return thereon.

Witness my hand, this 13th day of January

A.D. 20 03

Amend Meadows, Jr.
Clerk, District/Circuit Court

EXHIBIT "H-2"

The State of Alabama
LEE COUNTY

Before me Amanda Meadows, M. Clerk of the District/Circuit Court of Lee
County, Alabama, personally appeared Julia M. Tatum who being first duly sworn,
deposes and says on oath, that ~~he~~/she has probable cause for believing and does believe that

Robert Wayne Clements, alias, did knowingly and unlawfully attempt to enter or remain unlawfully in a dwelling of another, to-wit: the residence of Julia M. Tatum, 1407 Oakbowery Road, Opelika, Lee County, Alabama with intent to commit a crime therein, to-wit: Robbery, and while attempting to effect entry or while in the dwelling or in immediate flight therefrom, the said Robert Clements or another participant, to-wit: Robert Clements, was armed with an explosive or deadly weapon, to-wit: a short-barreled shotgun, in violation of 13A-7-5 and section 13A-4-2 of the Code of Alabama, against the peace and dignity of the State of Alabama.

Probable Cause: On or about 1/11/03 at approximately 10:44 p.m., Opelika Police Lt. Terry McMenamin responded to a prowler complaint at 1407 Oakbowery Road, Opelika, Lee County, Alabama. The resident, Julia M. Tatum, called 911 after she was awakened by her doorbell ringing. Upon Lt. McMenamin's arrival he saw a white male, later identified as Robert Wayne Clements, running through the back yard. Lt. McMenamin gave chase and ordered Clements on the ground. Clements was searched and in his pocket was a black and gold 12ga. shotgun shell and some para-cord. Lt. McMenamin located a sawed-off 12ga. shotgun, some gloves, and a knit ski mask in the bushes on the southwest corner of the house near the carport. In the chamber of the gun was a black and gold shotgun shell. Prior to officer's arrival Tatum saw a small tan car back out of her driveway and travel north on Oakbowery Road. Officer Richard Converse stopped a gold 1990 Honda Civic on Oakbowery Road near Northgate Drive. The driver was identified as Michael Lee Williamson. A consent to search was conducted on the vehicle and recovered from the vehicle was an empty para-cord package. On 1/12/03, Det. Ben Bugg advised Robert Wayne Clements of his Miranda Rights, which he stated he understood. Clements advised he was at the Tatum residence picking up a mantle that Tatum said he could have. On 1/11/03, Det. Bugg advised Michael Lee Williamson of his Miranda Rights, which he stated he understood. Williamson advised that Clements had contacted him earlier in the day and asked him if he would take him to take care of some business when it got dark. Williamson admitted to picking up Clements and taking him to the Tatum residence on Oakbowery Road and dropping him off. Williamson advised he saw Clements walk to the front door with a shotgun. The victim reports there was no validity to Clement's statement about a mantle.

Sworn to and subscribed before me,
this 13th day of January, 20 03.

Amanda Meadows, M.
Clerk, District/Circuit Court

*
*
*
*

Julia M. Tatum

WARRANT

The State of Alabama,
LEE COUNTY

To any Lawful Officer of the State of Alabama, Greeting:

You are hereby commanded to arrest Robert Wayne Clements, alias
and bring him/her before District/Circuit Court of Lee County, Alabama, to answer the State of Alabama on a charge of

ATTEMPTED BURGLARY IN THE FIRST DEGREE, 13A-7-5 (a)(1) & 13A-4-2

said charges preferred by Julia M. Tatum

And have you then and there this Writ with your return thereon.

Witness my hand, this 13th day of January

A.D. 20 03

Amanda Meadows, M.
Clerk, District/Circuit Court

EXHIBIT "I-1"

Jan. 17, 03

My name is Cynthia Clements
I am married to Robert Clements
I am writing this to state we
do not have or own any guns.
I have not in the past. I know
this & I am honestly telling
the truth. I would be willing
on taking a lie ~~check~~ detector
test to prove this. The shot
gun is Michael Williamson's.
I have seen him with it
at home before. He told us
it was for protection for
his wife when ~~she~~ ^{he} was
away at night. Robert is not
a violent person & has never
harmed anyone in any kind
of way the time we have
been married. Their own
son will tell you they had
a shot gun in there home.

110 Lee Rd 445
Opelika ALCindy
Clements

Exhibit I-2

158

My name is Justin Griffith. I am Robert Clements Step son. I am 12 years old. Robert does not have any guns at our house. I have not seen any guns at our house. Michael L. Williamson is married to my aunt and sometimes I spend the night with my cousin. a couple of weeks ago me, my 6 years old sister, and my 15 year sister were over there and Michael and his brother, Mark were looking at a shot gun and they went outside and told us to stay inside. I have seen the gun one time on top of their refrigerator with bullets beside it.

Justin

Griffith

110 Lee rd #445 Opelika

EXHIBIT "I-3"

Jan. 19, 2003

To Whom it may concern,
I am writing this statement to attest to the fact, that I saw Lee Williamson with some type of shot gun in his possession on one particular night. This incident occurred either in the late summer or early fall ⁷²⁰⁰² on a weekend night at the premises of the Cockat Bull Tavern.

Jane Laster
337 Lee Rd 431
Lot # 7 Opelika

EXHIBIT "I-4"

Jan 19, 2006

To whoever,

I Diane Harnett lived with
Cindy & Robert Clements for the past
2 years and they never had a
gun or used a gun at no
time. But I did spend the night
with Heather & Lee Williamson
at there home where they had
a shot gun on there refrigerator,
Sometime early of Dec 2002,

Yours

Diane

Harnett

337 Lee Rd 431

Lot # 7

Opelika AL

Exhibit

I-5

161

To whom it may concern,

I am writing this statement on the behalf of Robert Clements. I have known Robert for approximately two years. In this time I have never seen him with any firearms of any kind in his possession.

Nor have I ever seen any firearm in his home. I have been in all parts of his home and have had access to this home. I have never seen weapons of any kind.

Donie Bowen

337 Lee Rd 431

Lot # 7

Opelika AL

January 19th 2003

EXHIBIT "I-6"

el, Tonya [unclear], Dean
 with my very [unclear] eyed. fee
 Williamson with a gun. el
 remember looking up
 for a gun. el never
 shoot. few went out the door
 with his brother Mark. They
 got the gun for the [unclear]
 and [unclear] [unclear] [unclear]
 [unclear] [unclear] [unclear] [unclear]
 not open [unclear] [unclear]. After
 [unclear] [unclear] [unclear] for [unclear]
 they drove off. el remember
 Heather [unclear] [unclear]
 went. el [unclear] [unclear]
 about 50 [unclear] [unclear]
 [unclear] [unclear] [unclear] [unclear]
 [unclear] [unclear] [unclear] [unclear]
 to [unclear] [unclear] [unclear]
 [unclear] [unclear] [unclear] [unclear]
 a [unclear] [unclear] [unclear] [unclear]
 get my [unclear] [unclear] [unclear]
 [unclear] [unclear] [unclear] [unclear]
 [unclear] [unclear] [unclear] [unclear]

age: 15

 110 Lee Rd 443
 Opelika, AL 36804

Tonya [unclear]

EXHIBIT

J-1

163

March 13-03

is laredale

I was writing to find out why my
Bond is so high and lee is not, and
I also wanted to know why the Charge
of Conspiracy was put on me. if they
have no new Evidence why wouldn't
that be throwed out. I havent saw
you in a while and I wanted to

see you when you was gonna come
see me. I am having a hard time
with all of this. and he is walking
the streets. I know I don't have
the money to pay you with. but
I am asking for your help. may
I please get a copy of all warrants and
statements please, the police say I
didnt care what my lawyer
says that is a lie, you need to
request a copy of my letter I wrote
that day where I told them I
wanted to talk to them but I
needed to talk to you first the
only police at the city knows
what I wrote she gave it to
them.

Please Help Thank
You Robb Clark

-49-

OPELIKA POLICE DEPARTMENT

OPELIKA, ALABAMA

Exhibit "K-1"

JUL 164

Date 1/12/03Time 12:45 A.M.Location Opelika Police Department

I, Michael Lee Williamson, Age 30, born 7/31/72 at
Tallassee, AL. I now reside at A trailer on
Old Columbus Road, Opelika, AL. Telephone 444-8621

I went to the 9th grade in school and I can read and write.I have been advised of all my rights by Det Ben Bugg

and I understand them. I do voluntarily make the following

statement to Det Ben Bugg and

whom I know to be police officers for the City of Opelika, Alabama.

I have been advised of the charge of Robbery & BurglaryInvestigation against me.

My name is Michael Lee Williamson. Around 7:30 or 8 PM me and my wife Heather got into an argument. I left and went riding around. I was in my father in laws 1990 Honda Civic tan in color. I rode through Beulah, Beauregard, and Opelika. Around 11 PM I rode down OakBowery Road. I rode past a house where I saw some police cars. Shortly after I rode by the house I got pulled over by the police. They searched my car and took my gloves, tobaggan, stun gun, and some bungy cord. My wife carries the stun gun for protection, and the bungy cord was used to hang clothes on. I was by myself all night. I did not drop anybody off on Oakbowery Road. I know nothing about a robbery. The police also got an empty plastic bag out of my car that used to contain rope. I had never seen that bag or rope in my car. This statement has been read to me and by me and is true and correct.

Signed: Michael L. Williamson

Witness: Ben Bugg

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EXHIBIT "K-2"

OPELIKA POLICE DEPARTMENT
OPELIKA, ALABAMADATE 1/12/03
TIME 12:45 A.M.
LOCATION OPELIKA POLICE DEPARTMENT

I, MICHAEL LEE WILLIAMSON, AGE 30, BORN 7/31/72 AT
TALL ASSEE, AL. I NOW RESIDE AT A TRAILER ON
OLD COLUMBUS ROAD OPELIKA, AL, TELEPHONE NUMBER 444-8621.
 I WENT TO THE 9TH GRADE IN SCHOOL AND I CAN READ AND WRITE. I HAVE BEEN
 ADVISED OF ALL MY RIGHTS BY DET BEN BUGG AND I UNDERSTAND THEM. I
 DO VOLUNTARILY MAKE THE FOLLOWING STATEMENT TO DET BEN BUGG AND

ST. CRAIG VIVIAN WHOM I KNOW TO BE POLICE OFFICERS FOR THE CITY OF OPELIKA, ALABAMA.

I HAVE BEEN ADVISED OF THE CHARGE OF ROBBERY & BURGLARY IN VESTIGATION
 AGAINST ME.

BB MY NAME IS MICHAEL LEE WILLIAMSON. AROUND 7:30 PM
 I PM ME AND MY WIFE HEATHER GOT INTO AN ARGUMENT.
 I LEFT AND WENT RIDING AROUND. I WAS IN MY
 FATHER IN LAWS 1990 HONDA CIVIC TAN IN COLOR. I RODE
 THROUGH BEULAH, BEAUREGARD, AND OPELIKA. AROUND 11 PM I
 RODE DOWN OAK BOWERY ROAD. I RODE PAST A HOUSE
 WHERE I SAW SOME POLICE CARS. SHORTLY AFTER I RODE
 BY THE HOUSE I GOT PULLED OVER BY THE POLICE. THEY
 SEARCHED MY CAR AND TOOK MY GLOVES, TOBACCO, STUN GUN
 AND SOME BUNGY CORD. MY WIFE CARRIES THE STUN GUN FOR
 PROTECTION, AND THE BUNGY CORD WAS USED TO HANG CLOTHES
 ON. I WAS BY MYSELF ALL NIGHT. I DID NOT DROP
 ANY BODY OFF ON OAK BOWERY ROAD. I KNOW NOTHING ABOUT
 A ROBBERY. THE POLICE ALSO GOT AN EMPTY PLASTIC BAG OUT OF
 MY CAR THAT USED TO CONTAIN ROPE. I HAD NEVER SEEN THAT
 BAG OR ROPE IN MY CAR. THIS STATEMENT HAS BEEN READ TO
 ME AND BY ME AND IS TRUE AND CORRECT: Michael L. Williamson

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Exhibit "K-3"

OPELIKA POLICE DEPARTMENT

OPELIKA, ALABAMA

Date 1/12/03Time 4:55 A.M.Location Opelika Police Department

I, Michael Lee Williamson, Age 30, born 7/31/1972 at
Tallassee, AL. I now reside at A trailer on
Old Columbus Road Lot 17 Opelika, AL. Telephone 444-8621

I went to the 9h grade in school and I can read and write.I have been advised of all my rights by Det Ben Bugg

and I understand them. I do voluntarily make the following

statement to Det Ben Bugg and

whom I know to be police officers for the City of Opelika, Alabama.

I have been advised of the charge of Robbery First, BurglaryFirst, Poss. Short Barrel Shotgun Investigation against me.

I now want to give Det Bugg a true and correct statement. I picked Robert Clements up at his house on Lee Road 401 in Beauregard. He came out of the house with a bottle of Vodka and a Sunkist. We rode around my 1990 gold Honda Civic. We rode all over Beauregard and Opelika. Around 9PM I stopped at McKenzie Mart and bought a phone card. Robert stayed in the car while I went into McKenzie Mart. Around 10:30 Robert told me to stop and let him out of the car. He acted like he was mad. He was drunk and had been having problems with his wife. We were on Oakbowery at the bridge at the bottom of the hill by the pasture and a house. Robert told me he would get a ride home. I turned around and headed home. I got back in town and decided to go pick Robert up. I was going to try and get him to take him home. I did not see him with a gun. I had no idea he was going to try to break in on anybody. When I went back to get him I saw police cars in the driveway of the house next to the bridge where I dropped him off. I did not know what was

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EXHIBIT "K-4"

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going on. I rode down the road looking for Robert. I did not see him. A police man pulled me over and brought me to the police department. I have not seen any Parachute cord packages in my car. I did not see Robert with any. I did not see him with gloves, a mask, or a gun. If he got out with a gun he must of had it in his pants because I did not see it. He did not talk about breaking into a house or robbing anybody. He did not talk about picking a mantle up from Julia Tatums house. This statement has been read to me and by me and is true and correct

Signed: Michael L. Williamson

~~Witness: Ben Bugg~~

Witness: Craig Vickers

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Exhibit "K-5"

OPELIKA POLICE DEPARTMENT
OPELIKA, ALABAMADATE 1/12/03
TIME 4:55 A.M.
LOCATION OPELIKA POLICE DEPARTMENTI, MICHAEL LEE WILLIAMSON, AGE 30, BORN 7/31/1972 AT
TALLASSEE AL, I NOW RESIDE AT A TRAILER ON
OLD COLUMBUS ROAD LOT 17, OPELIKA, TELEPHONE NUMBER 444 8621.I WENT TO THE 9TH GRADE IN SCHOOL AND I CAN READ AND WRITE. I HAVE BEEN
ADVISED OF ALL MY RIGHTS BY DET BEN BUGG AND I UNDERSTAND THEM. I
DO VOLUNTARILY MAKE THE FOLLOWING STATEMENT TO DET BEN BUGG AND
WHOM I KNOW TO BE POLICE OFFICERS FOR THE CITY OF OPELIKA, ALABAMA.I HAVE BEEN ADVISED OF THE CHARGE OF ROBBERY FIRST, BURGLARY FIRST POSS.
AGAINST ME. SHORT BARREL SHOTGUN INVESTIGATION

3B I NOW WANT TO GIVE DET BUGG A TRUE AND CORRECT
STATEMENT. I PICKED ROBERT CLEMENTS UP AT HIS HOUSE
ON LEE ROAD 401 IN BEAUREGARD. HE CAME OUT OF THE
HOUSE WITH A BOTTLE OF VODKA AND A SUNGLASS. WE
RODE AROUND IN MY 1990 GOLD HONDA CIVIC, WE RODE
ALL OVER BEAUREGARD AND OPELIKA. AROUND 9PM I STOPPED
AT MCKENZIE MART AND BOUGHT A PHONE CARD. ROBERT
STAYED IN THE CAR WHILE I WENT INTO MCKENZIE MART.
AROUND 10:30 ROBERT TOLD ME TO STOP AND LET HIM OUT
OF THE CAR. HE ACTED LIKE HE WAS MAD. HE WAS
DRUNK AND HAD BEEN HAVING PROBLEMS WITH HIS WIFE.
WE WERE ON OAK BOWERY AT THE BRIDGE AT THE
BOTTOM OF THE HILL BY THE PASTURE AND A HOUSE.
ROBERT TOLD ME HE WOULD GET A RIDE HOME. I TURNED
AROUND AND HEADED HOME. I GOT BACK IN TOWN AND
DECIDED TO GO PICK ROBERT UP. I WAS GOING TO
TRY AND GET HIM TO TAKE HIM HOME. IDID NOT

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AGE 2 OF 2 LEE WILLIAMS'S STATEMENT

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n.w.

BB SEE HIM WITH A GUN. I HAD NO IDEA HE
(2) WAS GOING TO TRY TO BREAK IN ON ANY BODY.
WHEN I WENT BACK TO GET HIM I SAW
POLICE CARS IN THE DRIVEWAY OF THE HOUSE
NEXT TO THE BRIDGE WHERE I DROPPED HIM
OFF. I DID NOT KNOW WHAT WAS GOING ON.
I RODE DOWN THE ROAD LOOKING FOR
ROBERT. I DID NOT SEE HIM. A POLICE
MAN PHONED ME OVER AND BROUGHT ME
TO THE POLICE DEPARTMENT. I HAVE NOT
SEEN ANY PARACHUTE GORD PACKAGES IN MY
CAR. I DID NOT SEE ROBERT WITH ANY.

I DID NOT SEE HIM WITH GLOVES, A MASK, OR
A GUN. IF HE GOT OUT WITH A GUN HE
MUST OF HAD IT IN HIS PANTS BECAUSE I DID
NOT SEE IT. HE DID NOT TALK ABOUT BREAKING
INTO A HOUSE OR ROBBING ANY BODY. HE DID NOT
TALK ABOUT TAKING A MANTLE UP FROM JULIA
TATUMS HOUSE. THIS STATEMENT HAS BEEN READ BY

TO ME AND BY ME AND IS TRUE AND CORRECT (2) n.w.
SIGNED: Michael L. Williams

WITNESS

WITNESS

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OPELIKA POLICE DEPARTMENT

OPELIKA, ALABAMA

Exhibit "K-7"Date 1/13/03Time 10:20 A.M.Location Opelika Police DepartmentI, Michael Lee Williamson, Age 30, born 7/31/1972 atTallassee, AL. I now reside at 17 Town &Country Tr Pk Opelika, AL, 36801. Telephone 745-3470I went to the 9th grade in school and I can read and write.I have been advised of all my rights by Det Ben Bugg

and I understand them. I do voluntarily make the following

statement to Det Ben Bugg and _____

whom I know to be police officers for the City of Opelika, Alabama.

I have been advised of the charge of Att. Burglary First Degree/
Poss of a short Barreled Shotgun/Poss of Burglary Tools against me.About a month ago Robert Clements had a pistol grip 12 ga. gauge
shotgun. I was at his house when he had it. He wanted me to help him
saw it off. We sawed the barrell off with a hacksaw. We then taped it
up with black electrical tape. I don't know what he did with thearrel. I dont know where he got the gun. This is the same gun he had
in my car. This is the same gun I saw him walk to Mrs. Tatums front
door with. This statement has been read to me and by me and is true and
correct.

Signed: Michael L. Williamson

Witness: Ben Bugg

APR 14 2003

OPELIKA POLICE DEPARTMENT
OPELIKA, ALABAMAExhibit "K-8"DATE 1/13/03
TIME 10:20 A.M.
LOCATION OPELIKA POLICE DEPARTMENTI, MICHAEL LEE WILLIAMSON, AGE 30, BORN 7/31/1972 AT
TALL ASH CREEK AL. I NOW RESIDE AT 17 TOWN & COUNTRY,
TRAIL OPELIKA AL 36911; TELEPHONE NUMBER 745-3470.I WENT TO THE 9TH GRADE IN SCHOOL AND I CAN READ AND WRITE. I HAVE BEEN
ADVISED OF ALL MY RIGHTS BY DET BEN BUGG AND I UNDERSTAND THEM. I
DO VOLUNTARILY MAKE THE FOLLOWING STATEMENT TO DET BEN BUGG AND

WHOM I KNOW TO BE POLICE OFFICERS FOR THE CITY OF OPELIKA, ALABAMA.

I HAVE BEEN ADVISED OF THE CHARGE OF ATT. BURGLARY FIRST DEGREE
POSS OF A SHORT BARRELED SHOTGUN
POSS. OF BURGLARY TOOLS
AGAINST ME.BB ABOUT A MONTH AGO ROBERT CLEMENTS HAD A ~~SHORT~~ BA PISTOL
GAUG 12 GA. GAUGE SHOTGUN. I WAS AT HIS HOUSE WHEN
HE HAD IT. HE WANTED ME TO HELP HIM SAW IT OFF. WE
SAWED THE BARRELL OFF WITH A HACK SAW. WE THEN TAPED
IT UP WITH BLACK ELECTRICAL TAPE. I DONT KNOW WHAT
HE DID WITH THE BARREL. I DONT KNOW WHERE HE GOT
THE GUN. THIS IS THE SAME GUN HE HAD IN MY
CAR. THIS IS THE SAME GUN I SAW HIM WALK TO
MRS. TATUMS FRONT DOOR WITH. THIS STATEMENT HAS
BEEN READ TO ME AND BY ME AND IS TRUE AND CORRECT. BBSigned Michael L. WilliamsonWITNESS B. Bugg

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